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Attorneys for Plaintiffs

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION

RALPH O. STALSBERG, an individual,
LONNIE R. STALSBERG, AS TRUSTEE
FOR THE RALPH O. STALSBERG
IRREVOCABLE TRUST I. dtd. 9/28/2004

) ORDER CONSOLIDATING
CASE NUMBER 2:07-CV-38 WITH
CASE NUMBER 2:07-CV-29

Plaintiffs,

) Case No. 2:07-cv-29

) vs.

) Judge Bruce S. Jenkins

NEW YORK LIFE INSURANCE
COMPANY, NEW YORK LIFE
INSURANCE AND ANNUITY
CORPORATION

Defendants.

The Court, having reviewed the Stipulation and Joint Motion to Consolidate Cases, and all other pleadings and papers on file in the present action and in Civil No. 2:07-cv-38, also filed in the United States District Court, District of Utah, Central Division, being duly informed, and for good cause appearing,

Accordingly, IT IS HEREBY ORDERED, ADJUDGED, and DECREED as follows:

1. The first action, Civil No. 2:07-cv-29, and the second action, Civil No. 2:07-cv-38, are hereby consolidated before Judge Jenkins as the judge assigned the lower-numbered case, pursuant to Rule 42 of the Federal Rules of Civil Procedure and Rule 42-1 of the Local Rules of Practice for the United States District Court, District of Utah.

2. New York Life Insurance and Annuity Corporation's First Amended Complaint for Declaratory Relief and Rescission shall be stayed during the pendency of the consolidated cases.

3. The consolidation of these cases and the stay of New York Life Insurance and Annuity Corporation's First Amended Complaint in no way defeats, alters, or undermines the parties' substantive or procedural claims and defenses.

4. Any answer, counterclaim, or other responsive pleading filed in Civil No. 2:07-cv-29 shall relate back to January 19, 2007, the date of New York Life's original complaint in Civil No. 2:07-cv-38.

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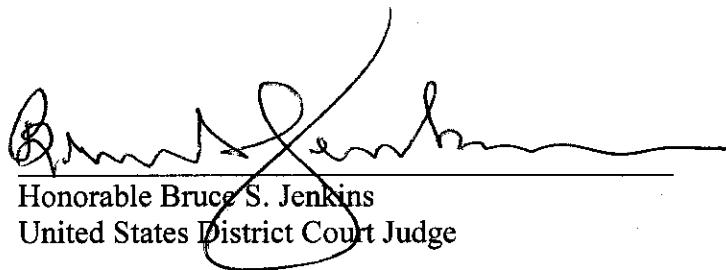
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5. New York Life Insurance and Annuity Corporation shall have through and until April 10, 2007, to file an answer, counterclaim, and/or other responsive pleading to the complaint filed in Civil No. 2:07-cv-29. *JF*

DATED this 6 day of March, 2007.

BY THE COURT:


Honorable Bruce S. Jenkins
United States District Court Judge

APPROVED AS TO FORM:

/s/ Erik A. Christiansen
ERIK A. CHRISTIANSEN
PARSONS BEHLE & LATIMER
Attorneys for Plaintiffs

ND: 4824-4794-3937, Ver 1

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